

FILED

APR - 8 2008

Board of Vocational Nursing
and Psychiatric Technicians

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9 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. VN-2004-803

13 LEILANI TURNER
12121 Drury Lane
14 Moreno Valley, CA 92507

**FIRST AMENDED
ACCUSATION**

15 Vocational Nurse License No. VN 161969

16 Respondent.
17

18 Complainant alleges:

19 **PARTIES**

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this
21 Accusation solely in her official capacity as the Executive Officer of the Board of Vocational
22 Nursing and Psychiatric Technicians, Department of Consumer Affairs.

23 2. On or about March 24, 1993, the Board of Vocational Nursing and
24 Psychiatric Technicians ("Board") issued vocational nurse license number VN 161969 to Leilani
25 Turner ("Respondent"). The license was in full force and effect at all times relevant to the
26 charges brought herein and will expire on November 30, 2008, unless renewed.

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STATUTORY PROVISIONS

3. Section 2875 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

4. Section 2878 of the Code states:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for any of the following:

(a) Unprofessional conduct...

....

(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

5. Section 2878.5 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Article 8 (commencing with Section 4210) of Chapter 9 of Division 2 of this code, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous drug, or the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, in which event the record of the conviction is conclusive evidence thereof.

....

6. Section 490 of the Code provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of a licensed vocational nurse.

1 7. Section 125.3 of the Code provides, in pertinent part, that the Board may
2 request the administrative law judge to direct a licensee found to have committed a violation or
3 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
4 and enforcement of the case.

5 8. California Code of Regulations, title 16, section 2521(c), states:

6 For the purposes of denial, suspension, or revocation of a license pursuant
7 to Division 1.5 (commencing with Section 475) of the Business and Professions
8 Code, a crime or act shall be considered to be substantially related to the
9 qualifications, functions or duties of a licensed vocational nurse if to a substantial
10 degree it evidences present or potential unfitness of a licensed vocational nurse to
11 perform the functions authorized by his license in a manner consistent with the
12 public health, safety, or welfare. Such crimes or acts shall include but not be
13 limited to those involving the following:

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15 (c) Violating or attempting to violate, directly or indirectly, or assisting in
16 or abetting the violation of, or conspiring to violate any provision or term of
17 Chapter 6.5, Division 2 of the Business and Professions Code.

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19 (e) Conviction of a crime involving fiscal dishonesty.

20 FIRST CAUSE FOR DISCIPLINE

21 (Conviction of a Crime - DUI - January 2001)

22 9. Respondent is subject to disciplinary action under Code sections 490 and
23 2878(f), and California Code of Regulations, title 16, section 2125, in that on January 9, 2001, in
24 a criminal case entitled *People v. Leilani Turner*, in the Riverside County Municipal Court, Case
25 number MVR00338014, Respondent was convicted by the Court on her plea of guilty of
26 violating Vehicle Code section 23152(a) (Driving Under the Influence of Alcohol and/or Drug,
27 With a Blood Alcohol Level of Over 0.8%), a misdemeanor. The circumstances are as follows:

28 a. On December 3, 2000, Riverside County Sheriff's officers observed
Respondent driving in a lane against the flow of traffic in the wrong direction. Officers stopped
the driver (Respondent) and, after administering field sobriety tests, found Respondent was under
the influence of alcohol with a blood alcohol level of more than 0.8%.

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1 b. As a result of the conviction detailed in paragraph 9, above, Respondent
2 was placed on three (3) years summary probation, along with other terms and conditions.
3 Respondent was alleged to have violated a term of probation (payment of \$1,154 fine) and on
4 November 3, 2003, the Court issued a warrant for Respondent's arrest for violation of probation.
5 Respondent appeared before the Court on November 4, 2003, and the warrant was recalled.

6 SECOND CAUSE FOR DISCIPLINE

7 (Conviction of a Crime - Unlawful Retaining of Aid - June 1997)

8 10. Respondent is subject to disciplinary action under Code sections 490 and
9 2878(f), and California Code of Regulations, title 16, section 2125(c) and (e), in that on June 11,
10 1997, in a criminal case entitled *People v. Leilani Turner*, Riverside County Superior Court, Case
11 No. RIF73685, Respondent plead guilty to violation of Welfare and Institutions Code section
12 10980 (Unlawful Retaining of Aid), a misdemeanor.

13 a. As a result of the conviction detailed in paragraph 10, Respondent was
14 sentenced to the Riverside County Jail for one day, given credit for time served, and was ordered
15 to pay a \$100 fine.

16 THIRD CAUSE FOR DISCIPLINE

17 (Unprofessional Conduct)

18 11. Respondent is subject to disciplinary action under Code section 2878.5 in
19 that on or about January 9, 2001, she was convicted of driving under the influence of alcohol
20 with a blood alcohol level of more than 0.8%.

21 MATTERS IN AGGRAVATION

22 12. On or about August 9, 2004, Bonnie A. Parker, Director of Human
23 Resources for the Visiting Nurse Association of the Inland Counties, reported to the Board,
24 pursuant to Code section 2878.1, the following:

25 On July 26, 2004, Respondent arrived at work exhibiting signs of intoxication.
26 Respondent was transported to a local health clinic by her employer for drug/alcohol testing.
27 Respondent tested negative for controlled substances, however, Respondent's alcohol level was

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1 0.159%. Respondent was sent home by her employer and was fired the following day for
2 reporting to work in an intoxicated state.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein
5 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
6 Technicians issue a decision:

- 7 1. Revoking or suspending vocational nurse license number VN 161969,
8 issued to Leilani Turner;
- 9 2. Ordering Leilani Turner to pay the Board of Vocational Nursing and
10 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
11 pursuant to Business and Professions Code section 125.3;
- 12 3. Taking such other and further action as deemed necessary and proper.

13 DATED: April 8, 2008.

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16 TERESA BELLO-JONES, J.D., M.S.N., R.N.
17 Executive Officer
18 Board of Vocational Nursing and Psychiatric Technicians
19 Department of Consumer Affairs
20 State of California
21 Complainant
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